

ARTICLE APPEARED
ON PAGE A-5

WILMINGTON SUNDAY NEWS-JOURNAL (DE)
14 MARCH 1982

Bill banning spy revelations likely to pass, spur lawsuits

By TONY MAURO
Gannett News Service

WASHINGTON — Washington Post reporter Scott Armstrong wrote a story about the CIA in January that earned him headlines across the country.

If he had delayed the story until later this year, it is very possible that it would have earned him a jail sentence as well.

His story revealed that ex-CIA agent Vernon Cassin, traveling under an alias, tried to recruit Iranian leader Abol Hassan Bani-Sadr as a CIA informer in 1979.

Under a bill that is likely to be passed by the Senate this week and signed by President Reagan soon thereafter, identifying undercover intelligence agents and informers — current or former — would become a crime. Armstrong and his paper would have been in trouble.

Armstrong says he would have written the story anyway, but to him, the episode illustrates why the bill is, in his word, "absurd."

The reason? The original source of Armstrong's story was CIA documents from the U.S. Embassy in Iran, which have been reprinted and on sale in the streets of Tehran for months and have been reported on in the foreign press.

"If this bill had been in effect, it would have precluded us from reporting this while it was being reported — and distorted — by the foreign press," says Armstrong. "Anyone who wanted to find out the name could have done so with some work. The only people who would

not have the accurate information would be the American people."

Armstrong's comments illustrate why the bill has provoked a major press-government confrontation, and could trigger their most serious court battle since the Pentagon Papers case in 1971. In that instance, the government sought unsuccessfully to prevent The New

The bill . . . could trigger the most serious court battle since the Pentagon Papers case in 1971

York Times from publishing secret documents on Vietnam.

Press lawyer Bruce Sanford says several news organizations are poised to test the new law in court as soon as it is signed, either by "publishing a story that invites prosecution" or by seeking a judgment against the law in advance of printing a story that offends it.

Other constitutional experts also view the bill with alarm, primarily because it constitutes prior restraint — telling the press it cannot print something before it prints it — which the Supreme Court has staunchly prohibited for 50 years.

Even Philip Kurland, a conservative law professor at the University of Chicago, has called the bill "the clearest violation of the First

Amendment attempted by Congress in this era."

That is quite a distinction for a bill with what seems like such an innocuous intent. Angered by disclosures of agents' names by self-appointed counterspies Louis Wolf and Philip Agee, the Reagan administration and conservative senators introduced the bill to criminalize such disclosures.

"Legislation of this nature is critical to the morale and confidence of our intelligence officers and their sources," says Richard Willard, a specialist on intelligence policy in the Justice Department. "The very lives of the individuals involved in these activities on behalf of the United States may be endangered by their unauthorized identification to the media, the public, and as a natural consequence, to the intelligence and security services of our adversaries."

The press got upset when it became clear that the legislation was framed so that it would also make criminals of reporters and authors who make CIA disclosures in the course of legitimate reporting.

The House-passed version would cover disclosures by anyone with "reason to believe" that disclosure would impair intelligence activities.

Media advocates have fought that wording vociferously, preferring instead a narrower definition, approved by a Senate committee, to cover only those with "intent to impair or impede" intelligence activities.

STAT